

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR 04-0271 CRB
	)	
Plaintiff,	)	
	)	
v.	)	
	)	ORDER OF DETENTION PURSUANT
TEDDY BUSTAMANTE VILLAMOR,	)	TO 18 U.S.C. § 3143(a)
	)	
Defendant.	)	
	)	
	)	

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This matter came before the Court on July 2, 2009 for a detention hearing on the United States' motion. The matter arises out of the issuance of an arrest warrant based on probable cause to believe that defendant had violated the conditions of supervised release. Defendant Teddy Bustamante Villamor was present and represented by Shawn Halbert, Esq. Assistant United States Attorney Kirstin M. Ault appeared for the United States of America. U.S. Probation was represented by Probation Officer Dan Zurita, who opposed release.

Because the defendant is charged with a violation of supervised release, the burden of establishing that he is not

1 a flight risk rests with the defendant. Fed. R. Crim. P.  
2 32.1(a)(6); 18 U.S.C. 3143. Having considered everything  
3 before me in this matter, I find that defendant has not  
4 established by clear and convincing evidence that defendant is  
5 not a risk of flight. I therefore **ORDER** him detained. In so  
6 finding, I have considered the following:

- 7 1. Nine separate violations of the defendant's  
8 conditions of supervised release are alleged.  
9 These violations include allegations that the  
10 defendant failed to report in person and in  
11 writing to his supervising officer, that he  
12 failed to inform his probation officer of law  
13 enforcement conduct, and that he failed to make  
14 payments on his monetary obligations.
- 15 2. Defendant also allegedly changed residence and  
16 employment without notifying his probation  
17 officer. According to the Petition for Arrest  
18 Warrant for Offender Under Supervision  
19 ("Petition"), in November of 2007, after  
20 providing two-weeks' notice to his employer of  
21 his intent to quit and telling the custodian  
22 with whom he was living that he was moving out,  
23 he failed to inform his probation officer or  
24 attorney of his plans. The defendant was  
25 arrested in Texas and returned to this district  
26 in approximately June of 2008. He claimed that  
27 he had traveled to Mexico to address a family  
28 emergency and that he had been living and

1 working in Texas and commuting to Mexico to  
2 address his family's situation. The defendant  
3 was then released to a halfway house; however,  
4 an outstanding warrant from Nebraska resulted  
5 in his transfer to that jurisdiction. Although  
6 the Court issued a warrant requiring his return  
7 to this jurisdiction upon resolution of the  
8 Nebraska matter, the defendant was released in  
9 Nebraska. Instead of returning to this  
10 jurisdiction or calling his probation officer  
11 or attorney, the defendant returned to Texas,  
12 where he again began traveling to and from  
13 Mexico. Although the defendant contacted the  
14 public defender's office in December of 2008  
15 and again in April or May of this year, he  
16 remained at large. The defendant self-  
17 surrendered to authorities in Texas in June of  
18 2009.

19 3. The defendant has been a methamphetamine user.  
20 The Petition alleges that the defendant failed  
21 to report to numerous drug counseling  
22 appointments beginning in September of 2007 and  
23 for urinalysis testing on multiple occasions  
24 from January through December of 2007. In this  
25 Court's experience, defendants who are  
26 methamphetamine users have reliability  
27 problems.

28 While the Court is conscious that the defendant's

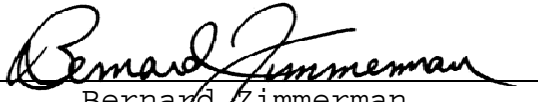
1 decision to self-surrender demonstrates a willingness to take  
2 responsibility for his past failures on supervision, the Court  
3 cannot ignore the defendant's history of repeated violations  
4 of the conditions of release. The defendant's conduct in  
5 failing to comply with conditions of release in this matter is  
6 consistent with his prior criminal history. The Court finds  
7 that his history of disobeying this Court's orders and leaving  
8 the jurisdiction without informing the Court and seeking  
9 permission to address family or other matters, indicates that  
10 he is unlikely to obey future orders of this Court to remain  
11 in the jurisdiction and appear before the Court as ordered.  
12 Put another way, the Court is not satisfied that if released  
13 and another "family emergency" arose, he would not fail to  
14 appear again.

15 For the reasons stated above, the Court finds that the  
16 defendant has failed to demonstrate by clear and convincing  
17 evidence that he does not present a risk of flight or that he  
18 is amenable to supervision if he were to be released.  
19 Therefore, pursuant to 18 U.S.C. § 3143(a), **IT IS ORDERED**  
20 that:

- 21 (1) the defendant, Teddy Bustamante Villamor, be, and  
22 hereby is, committed to the custody of the Attorney  
23 General for confinement in a suitable facility where  
24 he shall be afforded reasonable opportunity for  
25 private consultation with his counsel; and  
26 (2) on order of a court of the United States or on  
27 request of an attorney for the government, the  
28 person in charge of the corrections facility in

1 which the defendant is confined shall deliver the  
2 defendant to an authorized Deputy United States  
3 Marshal for the purpose of any appearance in  
4 connection with a court proceeding.

5 Dated: July 6, 2009

6   
7 Bernard Zimmerman  
United States Magistrate Judge